

APPROVED MINUTES
CITY OF MILPITAS

Minutes:	Regular Meeting of Milpitas City Council (Including Joint Meeting with Redevelopment Agency)
Date of Meeting:	March 18, 2003
Time of Meeting:	6:30 p.m. (Closed Session) 7:30 p.m. (Regular Session)
Place of Meeting:	City Hall Council Chambers, 455 E. Calaveras Blvd.

ROLL CALL

Mayor Esteves called to order the regular meeting of the Milpitas City Council at 6:33 p.m. Present were Mayor Esteves, Vice Mayor Dixon, and Councilmembers Gomez, Livengood (arrived at 7:00 p.m.), and Polanski.

CLOSED SESSION

Mayor Esteves publicly stated the Council would convene in Closed Session to discuss the following items listed on the agenda:

1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
(Pursuant to Government Code Section 54956.8)
Property: APN Nos. 86-05-021, 86-05-009, and 86-11-013
Negotiating Party: Tom Wilson
Under Negotiation: Terms & Conditions for Acquisition/Lease of Property
2. **CONFERENCE WITH LABOR NEGOTIATOR**
(Pursuant to Government Code Section 54957.6)
Agency Negotiator: Cherie Rosenquist
Employee Organizations: MEA

Mayor Esteves adjourned the meeting to closed session at 6:34 p.m.

The City Council meeting reconvened at 7:30 p.m. with Mayor Esteves presiding and Vice Mayor Dixon and Councilmembers Gomez, Livengood, and Polanski present.

**CLOSED SESSION
ANNOUNCEMENTS**

There were no closed session announcements.

PLEDGE

Mayor Esteves led the Council and audience in the Pledge of Allegiance.

MINUTES

MOTION to approve the City Council minutes of March 4, 2003, including joint meeting with the Redevelopment Agency, as submitted.

M/S: Dixon, Polanski.

Ayes: 5

SCHEDULE

Councilmember Polanski announced the 50th Anniversary Committee would meet on March 19, 2003, at 7:00 p.m. in the Committee Room; the next meeting was scheduled for March 31, 2003, at 7:00 p.m. in the Community Center; and in April, meetings had been scheduled for April 16 and April 29 in the Committee Room.

Vice Mayor Dixon reported she had a scheduled VTA Financial Ad Hoc Committee meeting on March 19, 2003, at 3:00 p.m.; a 10:30 session had been added on Thursday, March 20, 2003, for Congestion Management, and she would also be attending the Financial Admin meeting following that meeting; and on Friday March 21, 2003, a VTA Workshop was scheduled for 8:30 a.m.

Councilmember Gomez called attention to the State of the City address that was listed on both April 21 and April 22. Mayor Esteves clarified the address would be held on April 21, 2003, at 6:00 p.m.

Councilmember Livengood, addressing the Library Subcommittee meetings scheduled for March 25, 2003, and April 22, 2003, requested the time be pushed back to later in the day. Mayor Esteves suggested moving the time from 5:30 p.m. to 6:00 p.m.

MOTION to approve the Schedule of Meetings as amended.

M/S: Dixon, Polanski.

Ayes: 5

PRESENTATIONS

Mayor Esteves invited Felix Reliford, Principal Housing Planner, to the podium. Mr. Reliford introduced Margaret Murphy and Glen Campora from the State Department of Housing and Community Development. Mr. Campora presented the City with the State Department of Housing and Community Development Local Government Leadership Award, Housing Element, in recognition of the City of Milpitas' leadership and commitment in adopting a housing element in compliance with State law. Ms. Murphy said only three cities in the entire State received this award (Saratoga, Santa Clara, and Milpitas), Milpitas' Housing Element was serving as a model in several respects, and expressed appreciation to the Mayor and City Council for adopting an exemplary Housing Element and to the Milpitas community members who participated in the study. Mr. Campora presented the plaque to Mayor Esteves. Mayor Esteves expressed appreciation for the Award and said the City was very proud of its Housing Element.

Mayor Esteves presented a Certificate of Appointment to Patrick Yung who was recently appointed as Alternate 2 to the Recycling and Source Reduction Committee.

Mayor Esteves read Commendations recognizing Ocean Supermarket and Kim Lee Fast Food for supporting the 15th Annual Knights of Columbus fund raising drive for people with mental retardation and helping raise over \$4,000 for the Milpitas High School Special Education Program. Mayor Esteves presented the Commendations to Minh Quach representing both Ocean Supermarket and Kim Lee Fast Food. Mayor Esteves invited representatives from the Knights of Columbus Michael Wilhelmi, Ray Maglalang, and Frank DeSmidt, along with Brenda Wong, representing the Milpitas High School Special Education Program, to join him at the podium. Mr. Maglalang, Chair of the Drive, announced that this year they broke all records in the history of their chapter and presented an award to Ocean Supermarket for their help. Grand Knight Michael Wilhelmi presented Mr. Quach with an award recognizing Kim Lee Fast Food for its support and presented a check for \$4,266.11 to Brenda Wong for her Special Education Class at Milpitas High School. Ms. Wong said the Knights of Columbus have been great sponsors of the Special Education Program and thanked the citizens of Milpitas that shopped at Ocean Supermarket and Kim Lee Fast Food.

Mayor Esteves read a proclamation declaring March 2003 as "Women's History Month" and a proclamation declaring March 2003 as "Read Across America Month" and said the proclamations would be sent to the sponsoring organizations.

CITIZENS FORUM

Mayor Esteves invited members of the audience to address the Council on any subject not on the agenda, requesting that remarks, including any visual or technology-assisted presentations of any kind, be limited to two minutes or less, and noted that the City Clerk would be using the timer and when the red light at the podium came on, two minutes would be up.

Mike Baker spoke about the newly formed California Youth Soccer Association (CYSA) in Milpitas; felt it was a great opportunity for the children to advance their skills; and provided a slide presentation describing the Association.

Jagjit Sandhu invited everyone to GENCO's First Annual Multi Cultural Night, April 5, 2003, at the Milpitas Community Center and stated that general admission tickets were \$5, children 12 and under would be admitted free of charge.

Titus Cascaro, Milpitas, read a parable of Canadian Geese commenting that the Knights of Columbus Council was likened to the birds because their members work with direction and

goals, in union and in unison, hospitably and interpersonally, with a smile, and are always consistent in their behavior.

Gunawan Alisantosa, Milpitas, announced the Milpitas High School Artificial Intelligence Robotic Club would be participating in a robotic competition the week of March 24th and distributed a flyer with further information.

Daniel Chang explained more about the Robotics Club, the competition in March at San Jose State University, and said they had a short video clip to show. A parent partner showed the video clip.

Mayor Esteves reminded the speaker that two minutes were up, he thought the video clip was very interesting and would like to take a look at it, and maybe it might be put on a future agenda.

Daniel White, Fremont, talked about what Rainbow Theater meant to him, said it was a place to relax and have fun, and thanked the Council for its support.

Greg Bennett, Milpitas, further addressed the PowerPoint presentation on the California/Milpitas Youth Soccer Association, said he looked forward to getting this program off and running, looked forward to the Council's support, and outlined the benefits of having the Association in Milpitas.

Erica Newman, Executive Director of Public Allies Silicon Valley, said they place young adults 18-30 into apprenticeship programs for 10 months with local non-profits working towards positive social change; they moved to Milpitas last summer; outlined the program's objective; reported the deadline for the next program year (which was September through June) was April 11; and gave the web address of www.publicallies.org for more information.

Ed Connor, Milpitas, requested everyone take 30 seconds to bow heads in support of the President of the United States.

Dorsey Wiseman, 18 year Milpitas employee and ProTech President, thanked the Council for expressing its willingness at the last meeting to meet with the various bargaining groups to discuss the City's present and future financial problems; thanked the Councilmembers who were willing to meet with the Presidents of the bargaining groups; thanked the Council for its support of the American Cancer Society Relay for Life activities; and thanked the Mayor and Council for its continued support of employees in the Armed Forces Reserves.

Melissa Crespo, Milpitas, spoke on behalf of the California Youth Soccer Association which she felt was a great experience for her and would help her in obtaining a college scholarship.

Isaac Hughes said he wanted the public to understand that the public had every right to stand at the podium and say anything they wanted to about local government, Councilmembers were public servants and worked for everyone, and two minutes was not enough time to speak.

ANNOUNCEMENTS

Vice Mayor Dixon thanked Anil Godhwani, his brother, and the staff that put together the first Milpitas India Community Center located at 555 Los Coches, noted it is open to anyone who would like to join, and welcomed them to the Community of Milpitas. Vice Mayor Dixon said she attended the recent Knights of Columbus' award banquet and congratulated all the recipients (Firefighter of the Year Captain Jeff Lee, Police Officer of the Year Cindy Spalding, and Citizen of the Year Lou Horyza). Vice Mayor Dixon, addressing the Library Joint Powers Authority group, reported the subcommittee had recently interviewed the polling firm that would be coming back with information to help guide the current benefit assessment, noted that Milpitas brings in through that benefit assessment almost \$900,000 per year, it was very critical to the community to sustain what is currently at the library, the funding source needed to be continued, and she would be bringing back more information closer to the Special Election, which was hoped to be March 2004.

Vice Mayor Dixon, addressing her VTA update, reported in weekly meetings with the Financial Ad Hoc Committee, a lot of questions were being asked and they were now talking out of the box; recently the newspaper talked about the fact that not only VTA but many cities missed the mark by over estimating revenues; however, she wanted to point out that Milpitas was not listed as one of the cities that overestimated its revenue source but VTA had overestimated its revenues by at least 20%; the head of the VTA organization, Pete Cipolla, sent out a letter to Board Members outlining the short term and long term situations trying to save and sustain the VTA in Santa Clara Valley and Mr. Cipolla will be recommending re-examining the Vision, Mission, and Goals as an essential starting point. Vice Mayor Dixon said she had talked with the Mayors of Gilroy and Palo Alto and the time was right to the Board with a proposal that all cities have a voting member sitting on the VTA Board.

Councilmember Polanski thanked Mark Rogge for the presentation he made regarding the Senior Center at the last Senior Advisory Committee meeting; referring to the recent DARE graduation classes, acknowledged the police and DARE officers for the excellent job; invited everyone to the welcoming reception to be held on March 24, 2003, for the new MUSD Superintendent, Dr. Karl Black, at the City Hall rotunda from 5:30 p.m. to 7:30 p.m.; requested a tree planting program status be provided at a future agenda; and asked that the meeting be adjourned in memory of long time resident Louise DeSoto, noting that services were scheduled for 7:30 p.m. tomorrow at the Lima Mortuary.

Councilmember Gomez said that with the possibility of the United States going to war in 24 hours, he wanted to address the issue of hate crimes and offered suggestions of things that could be done such as talking to your neighbors and letting them know they are not alone, letting them know that hate crimes are not going to be tolerated in this City, letting them know that the Police Department will investigate all hate crimes, letting them know that the D.A. has a history of prosecuting hate crimes, and letting them know not to be afraid to call the police, and letting them know that we are all Americans and people who commit these hate crimes are not reflective of all Americans.

Councilmember Livengood requested that the meeting also be adjourned in memory of Emma Pomeroy who also passed away last week.

Mayor Esteves thanked and welcomed new service groups that came to Milpitas - the Center for Technological Care, where free computer training is offered to the needy and seniors, and a new Milpitas Lions Club (Milpitas Executive Lions Club); thanked Don Ryan, the president, for organizing the group to serve Milpitas; thanked Amica Bakchan, an Indian superstar, for coming to Milpitas, and Chris Kaldy for the great Milpitas High School music recital.

AGENDA

MOTION to approve the agenda as submitted.

M/S: Dixon, Gomez.

Ayes: 5

CONSENT CALENDAR

Mayor Esteves inquired if anyone wished to make any changes to the Consent Calendar. City Manager Wilson requested item 8 be removed for some staff comments and asked that item 9 be added to the Consent Calendar.

MOTION to approve the Consent Calendar, items with asterisks on the agenda, as amended by the removal of item 8 and the addition of item 9, in accordance with the staff recommendations.

M/S: Dixon, Polanski.

Ayes: 5

***3. Arts Commission Work Plan**

Approved the proposed 2003 Arts commission Work Plan.

***4.**

Approved the 2003 Parks, Recreation and Cultural Resources Commission Work Plan.

PRCRC Work Plan

- *9.
Reclassify Recreation Leader V** Adopted Resolution No. 7287 approving reclassifying a regular full-time classified employee from Recreation Leader V to a Recreation Services Assistant IV effective March 23, 2003, placed at the beginning of the salary range.
- *10.
MEA MOU** Adopted Resolution No. 7288 approving the Memorandum of Understanding with the Milpitas Employees Association (MEA) covering the period January 1, 2003, to December 31, 2005.
- *11.
North McCarthy Blvd.
(Project Nos. 3076 and 3085)** Adopted Resolution No. 7289 granting final acceptance and releasing the bonds for North McCarthy Boulevard (Project Nos. 3076 and 3085).
- *12.
Strickroth Park
(Project No. 5068)** Adopted Resolution No. 7290 granting final acceptance and releasing the bond for the Strickroth Park path overlay (Project No. 5068).
- *13.
Ergonomic Consulting Services** Authorized the City Manager to execute a contract with U.S. HealthWorks in an amount not to exceed \$11,000.
- *14.
Manor Pump Station
(Project No. 3385)** Approved plans and specifications, and authorized advertising for bid proposals.
- *15.
Miscellaneous Vendors** Approved the following purchase requests:
1. \$8,746.19 to Intergraph Corp. for the purchase of GeoMedia Web Publisher software and interface programming to place Megan's Law information on the City's web site for the Police Department as requested by Council. (Funds are available from the Police Department budget for this purchase.)
 2. \$16,419.00 to Savin Corp. for the three year lease purchase of a digital photo copier, including maintenance and supplies, which is replacing an old copier for the Fire Department. (Funds for the current year's cost are available from the Fire Department budget for this purchase.)
- *16.
Payroll Register** Approved the Payroll Register for the period ending February 22, 2003, in the amount of \$1,559,173.53.

PUBLIC HEARINGS (NONE)

JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

- RA1.
CALL TO ORDER** Mayor Esteves called to order the regular meeting of the Milpitas Redevelopment Agency, meeting jointly with the City Council, at 7:57 p.m.
- RA2.
ROLL CALL** Present were Mayor Esteves, Vice Mayor Dixon, and Agency/Councilmembers Gomez, Livengood, and Polanski.
- RA3.
MINUTES** MOTION to approve the Redevelopment Agency minutes of March 4, 2003, including joint meeting with the City Council, as submitted.
- M/S: Dixon, Polanski. Ayes: 5
- RA4.
AGENDA** MOTION to approve the agenda as submitted.
- M/S: Dixon, Polanski. Ayes: 5

**RA5.
CIVIC CENTER UPDATE**

Redevelopment Projects Manager Greg Armendariz reported two purchase orders were being recommended for approval for a total cost of \$9,185; one was for sandblasting granite feature strips on the exterior plazas to reduce a potential slip hazard and the other was for raising a hydrant valve near the Veterans' Memorial. Mr. Armendariz briefly reviewed the project budget and expenses reporting that after tonight's purchase orders, \$255,937 would remain in the project contingency.

Mr. Armendariz further reported that at the last Council meeting, staff presented an option to complete the tenant improvements for the fourth floor due to the funding advantage of using Redevelopment funding; upon closeout of the remaining construction contracts, Redevelopment funding would no longer be available for the City Hall building and General Fund monies would have to be used. Mr. Armendariz reviewed the proposal to complete the fourth floor and provide workspaces similar to other floors including a reception area similar to the third floor, one large conference room with technology, 17 work stations, storage room, and four offices, and other similar amenities and finishes. Mr. Armendariz described the proposed layout of alternative 2 presented at the last meeting.

Councilmember Livengood inquired if the proposed four offices were larger than the current Council offices and did they have a view out onto the plaza or the street. Mr. Armendariz responded they would be larger by a couple of feet with a wall of glass to see out into the open area and a view of the hills. Councilmember Livengood expressed concern that the Council offices did not have a view and were smaller than the offices given to other staff and while he didn't use his office at City Hall, he knew some Councilmembers did and thought if more offices were going to be built, it was an opportunity to provide the Council with offices similar to and with the same amenities as other City staff. Vice Mayor Dixon commented that this item was brought back from the last meeting so that Councilmember Livengood could be part of the process; the subcommittee had heard Councilmember Livengood's and Councilmember Gomez's earlier concerns about the Council offices and she and Mayor Esteves recommended bringing all the alternatives to the last meeting; one was to look at the possibility of moving the whole administrative wing, including the Council, up to the fourth floor; during the dialogue at the last Council meeting, Mr. Gomez said he was shocked this was coming forward; the subcommittee wanted to give the Council every different composition of space and after a lengthy dialog, Vice Mayor Dixon said she thought alternative 2 was collectively selected, which would not have the administrative staff there, and Mr. Gomez had asked for operating cost information. Vice Mayor Dixon said the space was not really designed for any particular department yet but to use the Redevelopment funding; she was up for discussion; and it was brought to the full Council for dialogue and what it wants to see with the fourth floor.

Councilmember Livengood said that conceptually, he had no problem finishing the fourth floor and thought it was the smart thing to do; however, he thought the Council offices should also be dealt with if he was going to vote to spend more money.

Councilmember Gomez said Vice Mayor Dixon mentioned his concern and asked what she was referring to. Vice Mayor Dixon responded Councilmember Gomez said he was shocked this was even coming forward because the building had only been occupied for a few months. Councilmember Gomez said he was happy with his current office, most Councilmembers don't spend much time in their office, conference rooms were available if they have meetings, but he did have a problem spending more money to look at the option of moving everybody to the fourth floor when the paint was barely dry on the offices they now have.

Councilmember Polanski said the reason she liked the second option from the last meeting was the larger conference room and being able to work with whatever department or however the City might expand some day; she could see the necessity for larger Council offices some day but didn't see the necessity to look at that now; was looking at what would serve the citizens the best down the road; every conference room in City Hall was very small; this could also be used by the public and the City's committees and commissions, but she understood the

comments and questions about why the Council had such small offices compared to everyone else.

Councilmember Livengood said that philosophically, he had a problem with putting the elected officials into very small offices and giving the staff bigger offices. Councilmember Livengood further commented that there were a lot of good reasons for bringing this item forward, most of the arguments were good, this will provide jobs, he was hoping that as staff proceeded, they would try to keep this local, in the long run it was a good idea, would provide jobs, and would save money, but the size of the Council offices was a philosophical issue for him.

Mr. Armendariz continued with his presentation reporting that the cost of the improvements was estimated at \$580,000. Mr. Armendariz reported the operation and maintenance costs for the three scenarios ranged from no additional costs to \$7,900 per year. Mr. Armendariz said staff was recommending the Council direct staff to move forward with further development of the design as well as preparation of contract documents, solicitation of bids, and the contract change order process for completion of the fourth floor and approval of a budget appropriation of \$580,000.

Councilmember Livengood asked that staff come back with an item regarding the Veterans' Memorial Park noting that he had received comments from local veterans about recognizing Veterans who served in other conflicts (in addition to World Wars I & II, Korea, and Vietnam). Vice Mayor Dixon said she would be glad to bring it to the subcommittee. Councilmember Livengood said he had some ideas to present, it could go to the subcommittee but eventually it should come back to the Council.

MOTION to:

1. Approve two purchase orders included in the contract change order summary sheet totaling \$9,185;
2. Direct staff to proceed with preparation of the contract documents, initiate the bid and change order process for completion of the 4th floor using Redevelopment Agency funding; and
3. Authorize a budget appropriation of \$580,000 from the Redevelopment Agency Tax increment for completion of the fourth floor.

M/S: Polanski, Livengood.

Councilmember Gomez said he would be supporting the motion but as he indicated at the last meeting, in these times we should be completing capital projects, especially those with minimal operating costs, because it does create jobs and we should be encouraging our neighbors to do the same thing.

VOTE ON MOTION:

Ayes: 5

**RA6.
ADJOURNMENT**

There being no further Redevelopment Agency business, Mayor Esteves adjourned the Redevelopment Agency meeting at 8:56 p.m.

The City Council meeting continued.

REPORTS OF OFFICERS

**1.
Council Salaries**

Councilmember Gomez said he placed this item on the agenda because of a memo he received that the Council would be receiving a 10 percent salary increase that would be implemented as of the next pay period, which was the result of a previous Council's action in March 2002. Councilmember Gomez further stated he had some serious concerns with the Council accepting a 10 percent increase and while it wasn't a lot of money, he worried about the

message it would send to the community and after discussing it, he would like to make a motion.

Councilmember Livengood said he hadn't seen any salary increase, was a little confused, and inquired why this was being talked about now when it was approved in March 2002 to take effect when a new Council was sworn in and asked why wasn't it implemented when the Council said it should be implemented. City Manager Wilson responded it was his understanding there was a staff oversight in Finance and Human Resources and a memo was sent out to advise the Council of that error and of the correction. Councilmember Livengood asked for clarification that the Council adopted a salary ordinance in March but didn't get it. Mr. Wilson explained there is a statutory requirement that a resolution or ordinance be passed but the increase only occurs after an election and a new Council is seated; the correction should have been made in a December pay period and that was the error; and it was his understanding it had been implemented.

Councilmember Polanski shared information she had taken from past Council minutes regarding the salary ordinance and said she had prepared a spreadsheet for the months of January, February, and March showing the number of hours she had put in representing the City (January 72.5 hrs; February 68 hrs., first half of March 41 hrs). Councilmember Polanski said this wasn't a full-time job; however, the Mayor and Councilmembers spend many hours on behalf of the citizens of Milpitas and she thought they got a bargain; she also thought a lot of people didn't understand that there were expenses, especially for the Mayor and Vice Mayor, associated with attending events. Councilmember Polanski said for the amount of work and the energy and what some people put into the job, she thought it was well worth it and any member of the Council who didn't want it didn't have to accept a pay increase if they didn't think it was justified for themselves. Councilmember Polanski thanked the City Manager for the information, she didn't have a problem with the increase, and she just wanted to provide a little information to the public.

Vice Mayor Dixon said she was glad this was brought up because she thought the community wasn't aware that a lot of the money comes out of Councilmembers pockets. Vice Mayor Dixon further stated there were ways the Council could come forward and share in savings and one was the Council's discretionary funds; \$6,000 was a substantial savings that paled compared to the salary increase; she had personally purchased three pieces of furniture for her office and her own office supplies so there were ways to give back, and that was her own personal philosophy. Vice Mayor Dixon pointed out that Councilmembers also don't have personal aides like some other cities do.

Mayor Esteves commented that the City was in a budget crisis that was real, he was hesitant to propose a cut that would be so small because it would look political and suggested looking at reducing the Council's discretionary budgets by \$2,000 each, for a total of \$10,000 as a start; the Council was also working with the City's unions and employees and he didn't want them to give the Council symbolic cuts and so he was proposing that the Council reduce its discretionary budgets instead. Mayor Esteves also commented he had decided not to participate in the U.S. Conference of Mayors saving the City almost \$4,000.

Councilmember Gomez said he supported that but philosophically he had a problem with the Council accepting a 10 percent pay increase that could amount to a savings of \$3,500 plus a year from all the Council in addition to the \$20,000 discretionary fund.

Councilmember Livengood said he had always been a proponent of paying Councilmembers more money for a lot of reasons such as the time and money they spend attending events; everyone thinks Councilmembers make a lot of money but if they went to every event, they would spend all they get; and he thought they should get paid for the time between when they should have been paid and now because the Council directed that they get that salary increase; in reference to not accepting the pay increase from this point forward, he thought the Council should tie itself to the employee groups and what they decide; he didn't know what percentage they have agreed to but when that happens, the Council should follow along and do the same

thing; in the final analysis, he thought the Council was underpaid, not over paid, and he truly believed that.

Councilmember Polanski commented that looking at the memo from the City Manager, no money had been expended from the Council's discretionary funds and since \$24,000 remained, suggested the Council give up \$20,000 of that this year and as Councilmember Livengood suggested, wait and see what the employee groups do. City Manager Wilson commented that most of the Councilmembers in the last five years have returned most of that money so there wasn't a record of spending these funds. Mr. Wilson also commented that there was a debate and an increase in the discretionary amount coming into this fiscal year; there was also some discussion and Council clarification with regard to how the discretionary funds could be used because of the large burden in attending events.

Mayor Esteves said he was glad for Councilmember Polanski's suggestion to save \$20,000 from the discretionary fund; he also liked Councilmember Livengood's suggestion to wait until the employees make an offer and if it is to be across the board, the Council should join in.

Councilmember Gomez offered a MOTION for a one-year furlough on the Council's salary increase and to reduce the Council's discretionary fund by \$2,000 per Councilmember. There was no second to the motion and it was noted the motion died for lack of a second.

Councilmember Polanski offered a MOTION to reduce Councilmembers discretionary fund \$20,000 and the Mayor's discretionary fund \$4,000 for Fiscal Year 2002/03 (leaving a balance of \$4,000 for Councilmembers and a balance of \$4,000 for the Mayor through the end of the fiscal year).

City Manager Wilson clarified that for the Council, the amount remaining would be \$1,000 per office and for the Mayor it would be \$4,000 after the reductions. Councilmember Livengood questioned why the Mayor should have four times more money than Councilmembers.

Councilmember Polanski said with that explanation, she would amend her MOTION so that for the rest of this fiscal year, Councilmembers would have \$1,000 and the Mayor \$2,000 and the Council would discuss it the budget process. Councilmember Livengood seconded the motion and inquired if the motion included the issue of waiting for the employee groups to present their proposals for cutting salaries. Councilmember Polanski responded she would amend her motion to include that. The second agreed.

VOTE ON MOTION to reduce the Councilmembers' and Mayor's discretionary budgets for Fiscal Year 2002/03 to \$1,000 for Councilmembers and \$2,000 for the Mayor and to wait until the employee groups present their proposals for cutting salaries before making any adjustments to Council salaries: Ayes: 5

Mayor Esteves thanked the Council for being really serious about budget cuts and said he hoped the Council would work together with the same direction.

2.
Library Building
Project Status

Principal Analyst Cindy Maxwell presented an update on the library construction project to replace the existing library with a new facility to better meet the needs of the Milpitas community. Ms. Maxwell reported that during the preparation of the scope of services for the consultant agreement for preparation of the Building Program, it became evident that concerns regarding the Civic Center's site design must be addressed prior to the preparation of the Library Building Program; consideration of parking alternatives and open space design for the Civic Center site would help define a realistic building footprint for the library. Ms. Maxwell further reported that the consultant's scope of work would take about six months, staff estimated an additional three months may be required to conduct its decision-making process, and called attention to the spreadsheet included in the Council's agenda packets listing key

issues and the decision-making bodies that will review them. Mr. Maxwell reported staff would be coming back to the Council with the final consultant agreement.

Vice Mayor Dixon commented that last night at the Library Advisory Commission meeting she felt a new energy level and enthusiasm was displayed, called attention to a new brochure "Be a member of the Friends of the Library" to encourage membership in the Friends of the Library, and the Librarian pointed out that in one hour, 653 items are checked out of the library, up 16 percent from last year and demonstrating that the need is there. Vice Mayor Dixon said her concern right now was trying to avoid the problems that were experienced in Phase 1 having to do with the footprint, she agreed with the need to be very careful because there was only so much space, she wanted to be sure that lessons had been learned, the contract was air tight, and there was some mechanism that would force the penalty when certain services aren't delivered when they are required to be delivered.

Mayor Esteves reiterated it only cost \$5 to join the Friends of the Milpitas Library, there were a lot of benefits, and encouraged everyone to join. Mayor Esteves said he agreed with Vice Mayor Dixon regarding the penalty clause, agreed this phase will take six months and three months for a decision to be made, and with every milestone, we should define what should be delivered because he wanted to have a clear expectation of what was to be done.

UNFINISHED BUSINESS

5. Home Depot Six-Month Review (continued)

Planning Manager Tambri Heyden reported that in January, the Council heard the appeal of the Planning Commission's action regarding the six-month review of the Home Depot use permit and directed the Home Depot/Great Mall Task Force and the applicant jointly develop a vegetative alternative to a masonry wall for screening Home Depot's outside storage. Ms. Heyden said she was very pleased to present a solution comprised of three components: (1) the existing plantings in the northern landscape planter be removed and replaced with more strategically located plant material, including a greater number of trees and shrubs and a denser, taller specie to provide improved screening; (2) a landscape planter be installed along the eastern edge of the parking to provide improved screening of the loading areas from eastern views; and (3) a new landscape planter/island be constructed at the western end of the Home Depot parking lot to provide increased landscaping and screening as well as to restrict access through the bus/truck entry. Ms. Heyden noted that due to the future bus/truck modifications in the immediate vicinity being constructed by VTA and the Great Mall, this plan will need to be phased to avoid having to reconstruct and enlarge the island in a year. Ms. Heyden further stated that staff recommended modifying two of the Planning Commission's conditions of approval that by May 31, 2003, Phase 1 be installed (the landscaping plan) and by May 31, 2003, the pallet enclosure be installed as well. Ms. Heyden expressed appreciation to the architect, Frank Coda, who was extremely responsive in the tight 60-day time frame.

Dave Jabber, Home Depot Store Manager, said they worked with Frank Coda, the architect, who worked with City staff and they were perfectly happy with the proposal. Vice Mayor Dixon expressed appreciation to Mr. Jabber for working with staff. Mr. Jabber thanked the Council for being patient with them. Councilmember Polanski also expressed appreciation to Home Depot and the architect for working with staff and for coming up with something that will be a win-win situation. Mayor Esteves commented that one of the solutions hit his weakness – his love of trees and thanked Home Depot for putting more trees in the City.

MOTION to modify the Planning Commission's action relative to Home Depot's six-month review of Use Permit No. 1555 based on the recommendation and special conditions included in the Council's agenda packet dated March 18, 2003.

M/S: Livengood, Dixon.

Ayes: 5

6. Public Meeting

Director of Information Services Bill Marion reported that in January, the Council directed staff to investigate broadcasting City Council and Planning Commission meetings over the

Broadcasting Report

Internet and on the City's AM radio station, placing Council and Planning Commission attachment packages on the Internet, and also provide an update on the Document Imaging project. Mr. Marion further reported the City's radio station does have the capability to accept live feedback and would require less than \$500 in modifications. Mr. Marion described staff's research into broadcasting meetings over the Internet by direct streaming or utilizing an outside service provider to stream meetings. Mr. Marion said the use of a service provider proved to have a lower initial cost as well as lower recurring costs and was the approach taken by a number of other jurisdictions in the Bay Area. Mr. Marion further stated staff reviewed several proposals for video streaming and was recommending a packaged solution with the firm Granicus Inc. for software, installation, and an initial year of service for \$23,900.

Mr. Marion briefly described the status of the Document Imaging project commenting that all campaign disclosure reports from 2000 to the present time were now imaged and the Form 700s would be added once this year's reports due April 1st were filed. Councilmember Livengood inquired what 700 forms would be included. City Clerk Gail Blalock responded the statements for the Council, Planning Commission, City Manager, Finance Director, and City Attorney; the statements where the originals are sent to Sacramento, were planned to be included. Councilmember Livengood inquired why just those and not include the statements for everyone who files one. Ms. Blalock said she had never received a request to look at any of the other statements but it was easy to do and they all could be included. Councilmember Livengood said the point he wanted to make was that if some statements are going to be put on and others not, you need to justify why some are and others not. Mr. Marion said there were no technical limitations in terms of quantity, it was a lot of paper but there was no practical limitation.

Vice Mayor Dixon thanked Mr. Marion for the quick turn-around and said she was very ecstatic about this, the radio broadcast could be heard outside Milpitas, and as far as the Internet, this was a big chunk of change but as long as it is reviewed after one year, she was supportive.

MOTION to

1. Approve the upgrade of radio equipment to allow live broadcast of meetings on AM1620 from CIP No. 8132 Public Information (RDA funding) in an amount not to exceed \$500; and
2. Approve the purchase of software and webcasting services from Granicus Inc., for a one-year trial period, in an amount not to exceed \$23,900 from CIP No. 8142, City Hall Technology (RDA funding).

M/S: Dixon, Livengood.

Ayes: 5

NEW BUSINESS

7. Youth Sports Grant

Recreation Manager Bonnie Greiner reviewed the request of Melissa Crespo for \$1,500 to offset the cost of competing in a Sports USA Competition in Australia July 5-15, 2003. Ms. Greiner reported staff recommended that the Parks, Recreation and Cultural Resources Commission (PRCRC) review and consider this grant to be funded up to the maximum of \$500; on March 3, 2003, the PRCRC reviewed and recommended the approval of the funding request by the applicant of \$1,500, exceeding the individual grant maximum funding guidelines by \$1,000; and staff was recommending the request be funded at the maximum amount of \$500 per the Individual Youth Sports Assistance Fund Grand guidelines.

Councilmember Gomez inquired if any requests last year exceeded the guidelines. Ms. Greiner responded twice in the past two years: Melissa Crespo, \$900 in June 2002, and Mathew Brant, \$859 in June 2001.

Councilmember Livengood commented one of the difficulties was that when the Council received a recommendation from a commission, it was difficult for him to vote any other way because he had placed his trust in the commissioners to do this; however, he got a little

uncomfortable when requests come in three times higher than what the Council had set as a maximum. Aside from this request, Councilmember Livengood said he would like to deal with that issue long term and would like to see it addressed.

Councilmember Polanski commented that as the Council liaison to the PRCRC, she was present at the meeting and one of the areas the Commission looked at was that this was going to be out of the country; she also thought they weren't taking into consideration the current budget constraints and that there could be several requests from such groups as soccer or PAL or those that have a number of children involved; she was kind of disappointed that the group seemed to feel that they had \$7,000, only had a couple of meetings to go, and felt if they didn't spend it, it would go away next year. Councilmember Polanski said that after reading the guidelines, she thought it might be really important for the Council to set some stronger guidelines.

Vice Mayor Dixon said the problem as she saw it was that we are down to a financial crisis right now and need to be fiscally prudent; she thought this was a great thing Melissa was going to do but felt the staff recommendation of \$500 should be accepted. Vice Mayor Dixon commented that she wanted to see how far what limited funds that were left could be spread out to as many people as possible, noted Milpitas may be the only city in this valley giving out these funds, and she wanted to send a clear message to follow the guidelines.

Melissa Crespo explained this was an all-star team she was selected for and she would be traveling with girls from all over the world. Ms. Crespo said she was really excited, it would mean a lot to her if she could go, and it would give her great leverage for a scholarship down the road.

Councilmember Gomez said he thought this was a very special circumstance with a student that would be representing the City, and the Council should be proud and do everything to support that.

Councilmember Livengood said he was hesitant to support this but was going to vote for it because it came from one of the Council's advisory bodies; however, he wanted to send a clear message that in the future, these requests will not be met very favorably and the Council should not be getting requests that are three times the guidelines.

Isaac Hughes said he didn't like to see people going to the government when they needed things, he didn't think it was a good idea to teach people to go to the government when they can't afford things; said he would give her the \$1,000; he thought this was a private matter; and if a realtor can't afford to send her kid, he would give her the money or anybody else who comes asking for money.

Mayor Esteves said he was very happy the Council set itself as a good example in reducing its discretionary fund and so he felt comfortable in accepting the staff recommendation.

Councilmember Polanski said she agreed with Mr. Hughes but also thought it was important to give some assistance, she knew Melissa would represent the community well and wished her well, but she had to look at the bigger picture.

MOTION to approve the recommendation of the Parks, Recreation, and Cultural Resources Commission that \$1,500 be granted to Melissa Crespo and to send a reminder to the PRCRC that the policy is a maximum of \$500 and the Council expects future requests to be in that range.

M/S: Livengood, Gomez.

Ayes: 2 (Gomez, Livengood)

Noes: 3

It was noted the motion failed.

MOTION to approve funding Melissa Crespo's request at the maximum amount of \$500, per the Individual Youth Sports Assistance Fund Grant guidelines, and to send a reminder to the PRCRC that the policy is a maximum of \$500 and the Council expects future requests to be in that range.

M/S: Polanski, Dixon.

Councilmember Gomez said he wanted to point out that this really bothered him; this Council was spending \$2,500 to have pictures taken of themselves and yet wouldn't spend \$1,500 to support the youth in the community; and while it was troublesome to him, he would still be supporting the motion.

VOTE ON MOTION:

Ayes: 5

Ms. Greiner informed the Council that staff was developing a patch or sticker that can be handed out so that when recipients go to events, Milpitas will be identified.

ORDINANCE

8. Ordinance No. 259 News Racks (Re-Introduce)

Principal Civil Engineer Mark Rogge reported he had met with Rob Devincenzi of the Milpitas Post to discuss the proposed ordinance and from that meeting, staff was recommending a change in the Definitions section that an abandoned news rack shall mean any news rack which remains empty for 21 business days instead of 10 business days. Mr. Rogge said the change would satisfy Mr. Devincenzi's concern about monthly publications if they were to run out right away. Mr. Rogge further stated that after consulting with the City Attorney, if the Council agrees with the change, the ordinance would need to be re-introduced.

City Attorney Steve Mattas clarified that if the Council desired to make the change recommended by staff, it would be appropriate to waive the reading of Ordinance 259 adding Chapter 11 to title X of the Milpitas Municipal Code entitled "Regulation of News Racks" with the amendment to make the change in the time period from 10 to 21 business days.

MOTION to waive reading of Ordinance No. 259 and re-introduce Ordinance No. 259 adding Chapter 11 to Title X of the Milpitas Municipal Code entitled "Regulation of News Racks".

M/S: Polanski, Livengood.

Ayes: 5

ADJOURNMENT

There being no further Council business, Mayor Esteves adjourned the City Council meeting at 10:24 p.m. in memory of Louise DeSoto and Emma Pomeroy.

Gail Blalock
City Clerk

The foregoing minutes were approved by the City Council as submitted on April 1, 2003.

Gail Blalock, City Clerk

Date